

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 537 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

and

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

PARUL TRADING CORPORATION

Versus

STATE OF GUJARAT

Appearance:

MR JASHBHAI P PATEL for Petitioner (ABSENT)

MR LR PUJARI, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

and

MR.JUSTICE KUNDAN SINGH

Date of decision: 05/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

When this petition is called out for hearing no one appears for the petitioner. The learned counsel for the respondents points out that the petition has become infructuous because Motor Vehicles Act, 1939 has been repealed by Section 217 of the Motor Vehicles Act, 1988. Since the petitioner had challenged the constitutionality of the provisions of Section 68(2)(hh) of the Motor Vehicles Act, 1939, that challenge will not now survive in view of the repeal of the Act. It is also pointed out that the Bombay Motor Vehicle Rules have also been repealed and at present the Gujarat Motor Vehicle Rules are in force and therefore the challenge against the provisions of the Bombay Motor Vehicles (Gujarat Seventh Amendment) Rules, 1980, will not survive. In this view of the matter, Rule is discharged with no order as to costs.

(mohd)